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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,336	05/24/1999	BRYAN JEFFERY MOLES	STA.WTL.001	8986

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EXAMINER	
MOORE, JAMES K	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 07/20/2004 23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/317,336	Applicant(s) MOLES ET AL.	
	Examiner James K Moore	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-25 and 31-35* is/are rejected.

7)☒ Claim(s) *26-30 and 36-40* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 April 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 21-25 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boettger et al. (U.S. Patent No. 6,625,132) in view of Przelomiec et al. (U.S. Patent No. 5,722,078).

Regarding claims 21 and 31, Boettger discloses a multi-mode mobile station (650) comprising a radio frequency (RF) module (652) that accesses a first radio system using a preferred radio protocol (CDMA) and accesses a second radio system using a less-preferred radio protocol (AMPS). See Figure 6B and col. 10, line 66 – col. 11, line 35. It is inherent that the CDMA protocol is preferred by many users over the AMPS protocol since the CDMA protocol is very effective at overcoming signal fading. See, e.g., Ault et al. (U.S. Patent No. 6,011,978), col. 1, lines 36-57 and col. 2, lines 57-60.

Boettger also discloses that the multi-mode mobile station comprises processing circuitry (658) associated with the RF module that determines the quality of first control channel signals (Paging Channel signals) received from the first radio system. The processing circuitry determines from the quality of the first control signals whether the first radio system is able to provide an optimum signal quality, in response to a determination that the quality of the first control channel signals is sufficient to prevent

the multi-mode mobile station from losing access to the first radio system. See col. 2, lines 13-29; col. 5, lines 10-44; and col. 11, lines 10-23.

Boettger does not disclose that the processing circuitry determines the quality of second control channel signals received from the second radio system. However, Boettger does disclose that the mobile station performs system reselection when the processing circuitry determines that the first radio system is unable to provide an optimum signal quality, which includes selecting the second radio system. See col. 5, lines 35-60. Przelomiec further teaches that system selection in an AMPS environment includes determining the quality of control channel signals in order to ensure that the system can provide adequate signal quality to a mobile station. See col. 1, line 23 through col. 2, line 9. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Boettger with Przelomiec, such that the processing circuitry determines the quality of second control channel signals received from the second radio system during the system reselection process, in order to ensure that the second radio system can provide adequate signal quality to the mobile station.

Regarding claims 22 and 32, Boettger in view of Przelomiec teaches all of the limitations of claims 21 and 31, and the combination would further result in the processing circuitry, in response to a determination that the first radio system is not able to provide an optimum signal quality, determining from the quality of the second control channel signals whether the second radio system is able to provide a better radio service than the first radio system, since the processing circuitry would determine that

the first radio system is inadequate and the second radio system is adequate. See col. 5, lines 35-44.

Regarding claims 23 and 33, Boettger in view of Przelomiec teaches all of the limitations of claims 22 and 32, and the combination would further result in the processing circuitry, in response to a determination that the second radio system is able to provide a better radio service than the first radio system, causing the RF module to access the second radio system instead of the first radio system (performing system reselection). See col. 5, lines 35-44.

Regarding claims 24 and 34, Boettger in view of Przelomiec teaches all of the limitations of claims 23 and 33, and Boettger also discloses that the first control channel signals comprise paging channel signals associated with the first radio system. See col. 5, lines 10-44.

Regarding claims 25 and 35, Boettger in view of Przelomiec teaches all of the limitations of claims 24 and 34, and Przelomiec discloses that the second control channel signals comprise paging channel signals associated with the second radio system. See col. 5, lines 10-30.

Allowable Subject Matter

3. Claims 26-30 and 36-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

7/10/04

CHARLES APPIAH
PRIMARY EXAMINER